



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-400
Regulation title	Funding Limitations for the Refugee Resettlement Program
Document preparation date	August 18, 2010

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the Code of Virginia (Code) gives the State Board of Social Services (Board) the authority and responsibility to promulgate regulations for the administration of social services in the Commonwealth.

The federal authority for this regulation is 45 C.F.R. § 400.200, which provides that cash and medical assistance to refugees is available only to the extent that funds are appropriated by Congress.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There are no alternatives to achieving the purpose of this regulation. This regulation was promulgated in 1986 for the purpose of limiting cash and medical assistance to refugees to the amount allocated by Congress.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received on this regulation during the public comment period.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulation meets the criteria set out in Executive Order 14 and is necessary for the protection of public health, safety, and welfare. This regulation is clearly and concisely written and easily understandable. It has no impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the commonwealth. There is no cost of compliance to the general public.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Board recommends that this regulation remain in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

The regulation does not impact the institution of the family or family stability. It addresses the limitation of funding for services and does not address the method of service delivery or eligibility criteria.